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TAGS: [PGOV](#) [KMCA](#) [MCC](#) [PHUM](#) [KPAO](#) [RW](#)
SUBJECT: INDEPENDENT NEWSPAPER AWAITS VERDICT IN DEFAMATION
CASE

Classified By: Ambassador W. Stuart Symington for reasons 1.4 (b) (d)

¶1. (SBU) SUMMARY: Editor and journalist Didas Gasana and journalist Richard Kayigamba of the independent Kinyarwanda-language weekly newspaper Umuseso appeared in court January 27 on charges of defamation and invasion of privacy over an article they published alleging an affair between the mayor of Kigali city and the Minister of Cabinet Affairs. The judge denied requests by the accused to postpone the trial because their lawyer was not available, so the defendants refused to give testimony during the trial. Prosecution asked for one-year imprisonment for both defendants and the Umuseso director, Charles Kabonero, who is currently out of the country, a fine of 15 million Rwandan francs in damages (approximately \$30,000), and the indefinite closure of the newspaper. The verdict is due February 22. END SUMMARY.

¶2. (SBU) In November, Umuseso published a story alleging an affair between Kigali city mayor Aisa Kirabo and Minister of Cabinet Affairs Protais Musoni. The authors claimed that when President Kagame learned of the affair, he advised the mayor's husband to deal with his wife and he would deal with his minister. According to the story, the mayor's husband beat her so badly that she left the country to seek medical treatment. In December, the Media High Council (MHC) wrote two letters to Umuseso editor Didas Gasana asking for an explanation of the story and for proof of the affair. Umuseso's editor refused to give an explanation and/or evidence, saying they had already been questioned by the police, who had sent their case to the prosecution. In November, Umuseso published the mayor's reaction to the article and in January they published a statement by Minister Musoni.

¶3. (SBU) The court summoned Umuseso director Charles Kabonero, journalist Richard Kayigamba, and Gasana to trial January 27. Kabonero did not appear, but Gasana and Kayigamba did and requested a postponement on grounds that their lawyer was unavailable. The judge refused their request and the trial continued, although the defendants did not speak. The prosecution asked for one-year prison sentences for the three defendants, a fine of 15 million Rwandan francs in damages (approximately \$30,000), and the indefinite closure of Umuseso. They also used a MHC report detailing Umuseso's prior offenses as evidence of the defendants, reluctance to follow the law and journalistic standards. The verdict is expected February 22; at that time, the defendants can appeal the decision, ask for a retrial, or accept the verdict.

¶4. (C) COMMENT: Rwandan media frequently make mistakes of fact and, in many cases, publish stories that they are paid to publish as if they were news items. In such cases, the facts are often wrong and intended to be wrong by those planting the stories. Our MCC funded media program is focused on professionalism and ethics, but the media culture

and media economics here are not likely to change overnight. In this case, many Rwandans believe that there is truth to the story, but the wrong person was implicated in a matter that does not bear on public duties. Umuseso published this story shortly after a Rwandan court resolved an invasion of privacy case involving another news paper often very critical of the government Umuvugizi. In that case the paper was found guilty and ordered to pay a fine, despite widespread pre-judgment concerns voiced by media advocates that the court might impose a sentence of imprisonment in the case, or even close the paper. Truth is a defense to a conviction for invasion of privacy, but only if what is published is a fact "that has an impact on the country's public life." END COMMENT.
SYMINGTON